S.B. Cr. Misc. Petition NO.759/2007
Buta Singh
Vs.
Paramjeet Kaur & Anr.

Date of Order :: 11-07-2007

HON'BLE MR. JUSTICE H.R.PANWAR

Shri G.J. Gupta, for the petitioner.

By the instant petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 7.2.2007 passed by the Additional Sessions Judge No.1, Sriganganagar (for short, 'the revisional court') whereby the revision filed by the petitioner against the order dated 21.9.2005 passed by the Judicial Magistrate, Sadul Sahar (for short, 'the trial court') was partly allowed and the order taking cognizance under Section 498(A) was maintained.

Heard counsel for the petitioner and perused the materials available on record including the statement of Smt. Paramjeet Kaur wife of petitioner and Gurtej Singh. These two witnesses were examined by the trial court on oath under Sections 200 and 202 Cr.P.C.

It is not disputed that the petitioner married to the non-petitioner complainant, may be, 20 years ago. There had been various events in the past years. The allegation against the petitioner that non-petitioner was subjected to cruelty and her Stridhan was misappropriated by the petitioner. During the investigation, compromise has been made

between the parties and the matter was settled. Thereafter the petitioner again made demand of dowry and on non-fulfilment of such demand, non-petitioner was threatened that he will marry with someone else. There is specific allegation against the present petitioner that he used to harass her in connection with dowry. A similar statement of Gurtej Singh has been recorded by the trial court. On the basis of materials available on record the trial court took the cognizance of offences under Sections 406, 498(A). However, revisional court found that there being no specific demand of dowry articles, and therefore the order taking cognizance under Section 406 IPC was set aside.

In my view, the order of the revisional court is well reasoned. In this view of the matter, the order taking cognizance cannot be faulted with. It is well settled that the investigation is the domain of the police and taking cognizance is exclusively within the jurisdiction of Magistrate. While exercising the jurisdiction, the revisional court maintained the order taking cognizance for the offence under Section 498A IPC which is just and proper.

No case for interference is made out. The petition is therefore dismissed.

[H.R.PANWAR],J.

Praveen